

REMARKS

In the Office Action mailed on October 23, 2007, the Examiner rejected claims 1-24 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,005,631 to Anderson et al.

In response, Applicant has amended claims 5, 8 and 9. No new matter has been added.

With respect to claim 1, the Examiner asserts that Anderson et al.'s two-way communication between the head end and communication unit is equivalent to the claimed "send[ing] said program request to said head end" if "said program request is not in said memory" that stores an "electronic program guide," (EPG). In other words, if the local copy of the EPG does not have a requested program, the set-top box reports the user's request for this program to the head end. Anderson et al. simply fail to teach or suggest this type of message being sent from the set-top box to the head end.

The Examiner apparently alleges that any two-way communication between the head end and the set-top box must include the particular message of the set-top box reporting the user searching for a program that was not found in the local copy of the EPG. Applicant respectfully disagrees. Anderson et al. do not teach or suggest such a message in their description of any two-way communications.

With respect to claim 5, Applicant has amended claim 5 to further defined the request as being associated with a program not in the local version of the EPG. This is therefore not a video-on-demand request and thus distinguishable over Anderson et al.

In rejecting claim 8, the Examiner asserts that Anderson et al. teach sending a program request not found in the local version of the EPG to the head end in column 2,

lines 21-23. Applicant asserts that column 21-23 do describe some searching of EPG data, but fail to describe any reporting to the head end if the search results show that program is absent from the EPG.

With respect to claim 9, Anderson et al. do not teach or suggest storing a program request that is not in the EPG in Fig. 4B, items 128 and 134. As has been stated before, Anderson et al. do not capture this type of data. Since Anderson et al. do not capture this type of data, if follows they can't store it in a memory.

With respect to claim 14, the Examiner apparently asserts the head end controller 28 in Fig. 3 is equivalent to Applicant's claimed interactive server. Applicant respectfully disagrees. One of the functions of the interactive server is to receive program requests not in the EPG stored in the end user device. The head end controller 28 is only described to format authorization data for the home terminals in column 3, lines 50-53. Applicant respectfully asserts that these are two different things.

With respect to claim 15, the Examiner asserts that Anderson et al.'s EPG data provider 16 receives program requests not in the EPG. Applicant cannot find any citation in Anderson et al.'s patent that supports this conclusion.

With respect to claim 20, the Examiner asserts that Anderson et al.'s cable head end 12 and subscription terminal 14 modify the EPG. Applicant cannot find any citation in Anderson et al.'s patent that supports this conclusion.

Claims not specifically mentioned above are allowable due to their dependence on an allowed base claim.

CONCLUSION

No fees are due for this response. However, the Office is authorized to charge any additional fees or underpayments of fees (including fees for petitions for extensions of time) under 37 C.F.R. 1.16 and 1.17 to account number 502117. Any overpayments should be credited to the same account.

Applicant respectfully requests reconsideration of the present application, withdrawal of the rejections made in the last Office Action and the issuance of a Notice of Allowance. The Applicant's representative can be reached at the below telephone number if the Examiner has any questions.

Respectfully submitted,
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